



ZFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ofer YODFAT

Serial No.: 10/724,144

§
§
§
§
§ Group Art Unit: 3738

Filed: December 1, 2003

§
§
§
§
§

For: BRAIDED INTRALUMINAL
DEVICE FOR STROKE
PREVENTION

Examiner: Christopher D. Prone

§ Attorney Docket 25000

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

RESPONSE TO REQUIREMENT FOR ELECTION/RESTRICTION

Favorable consideration of the Requirement for Restriction of June 21, 2006 is respectfully requested.

The patent application includes 25 claims. Of these, more than 20 claims are generic to all the disclosed species. Since the allowance of a generic claim will entitle to an action on the merits of all the species claims, the purpose of the Requirement for Election is not at all understood.

The Requirement for Election with respect to Species E and Species F is particularly improper, since the claims involved are not connected to mutually-exclusive species, but rather to the same species but different in scope. Thus, the recitations "70–110 degrees" and "70–105 degrees" are directed to the same feature differing merely in

scope, and not to mutually exclusive features. This is further made clear from the fact that Claim 16, reciting “70–105 degrees” depends from Claim 15 reciting “70–110 degrees”, and from the further fact that a dependent claim cannot, by definition, be drawn to a mutually-exclusive species of a claim from which it depends.

Nevertheless, in order to assure a complete response to the Official Action, applicants elects Species A, Species C and Species E, and believes that reading on the species are Claims 1–9, 11, and 13–25.

An early action on the merits of the claims is respectfully requested.

Respectfully submitted,



Martin Moynihan
Registration No. 40,338

July 17, 2006